

**SUMMARY OF THE
REGULATORY COORDINATION COMMITTEE MEETING
DECEMBER 07, 2001**

The Regulatory Coordination Committee of the National Environmental Laboratory Accreditation Conference (NELAC) met on Friday, December 07, 2001 at 9:00 a.m. Eastern Standard Time (EST) during the Seventh NELAC Interim Meeting in Arlington, VA. The meeting was led by its chair, Kevin Coats of the US Army Corps of Engineers. A list of action items is given in Attachment A. A list of participants is given in Attachment B. The purpose of the meeting was to address items of importance identified in the meeting agenda.

INTRODUCTION

Mr. Kevin Coats introduced himself and then had the committee members introduce themselves to the audience. Mr. Coats called the meeting to order, after which he reviewed the background as to why the Committee was created and the functions it is to fulfill, as stated in the Constitution and Bylaws. The Regulatory Coordination Committee provides Standing Committees with current information on regulations and laws that impact laboratory testing and accreditation. The Regulatory Coordination Committee is also responsible for the development of model language for State legislation and regulations that reflect the findings and actions of NELAC. In the past, this Committee has had some action items given to them to provide support to other committees that were looking for some issue-driven solutions. It would be within the purview of this Committee's definition to solicit any action items or tasks from other committees to provide needed support.

MODEL RULE FOR LABORATORY ACCREDITATION

At NELAC 7, model legislation was finalized that provides specific language for primary and secondary Accrediting Authorities to establish rules and legislation needed in order for states to conduct their business. The decision was made at that time to post this language on the website as is, with possible revisions made at a later date. It has finally been posted on the NELAC website, and can be found under the Regulatory Coordination Committee. Mr. Coats suggested that this Committee survey potential users of this rule to see if there are any aspects that could be changed and to make certain it is up-to-date with the latest Standards. Mr. Coats asked if there were any comments from the floor regarding this rule. Illona Taunton added that the Transition Committee is working on secondary accreditation, looking for consistency between the states. One of the recommendations that came up at this Conference is to consider revising language in the Standards to encourage consistency between states, thereby affecting the consistency of the application process. The states in turn would be looking for language from this Committee. That may affect this sample legislation. Mr. Coats noted that at the NELAC 2006 Strategic Planning Session Stakeholder Workshop held this past weekend, critical challenges were prioritized for NELAC. It was recognized that broader participation and acceptance of NELAC by additional state accrediting authorities are essential to the ultimate success of NELAC. Ms. Taunton mentioned that the Transition's subcommittee will be contacting all the states to ascertain where the reciprocity is between states and NELAC, with the goal to publish the findings for the benefit of the community. Mr. Coats mentioned that Georgia has legislation in place that states that as a regulatory entity, they will only

accept data from NELAC labs for the programs for which they have primacy. He suggested that this Committee contact Georgia Legislation and mold that into a model that could be provided on the website as well.

In reference to the EPA Criteria Documents, Mr. Coats indicated there was a typo in the range on one that needed a correction. He also noted that some had observed the criteria had been published tighter than the calibration criteria, and therefore need to go back to EPA for revision. The Proficiency Testing Committee Chair indicated that they are handling the issue of needed EPA Criteria Document revision themselves.

EPA SEMI-ANNUAL REGULATORY AGENDA REVIEW

Mr. Coats announced that this survey, upon which the Regulatory Agenda Review is based, can be found on the University of Massachusetts' website, listed under Center for Intelligent Information Retrieval, which contains government regulatory and deregulatory surveys. Mr. Coats pulled information focused on the EPA regulatory programs covered by NELAC, such as Clean Air Act, Safe Drinking Water Act, Clean Water Act, RCRA and SIRCA. He downloaded a 32 page table with an internal sequence number, title for the rule and regulation identification number. Mr. Coats will provide a packet to Silky Labie, who will disseminate this information to the committees that would be most affected. Right now the primary area of focus is on whether there are any new promulgated federal methods, new analytes, or changing action levels in federal regulations. In reference to methods, he keyed the survey as to whether the rule was in a pre-rule, proposed rule, or final rule stage, and highlighted if there were new methods coming out. In reference to action levels and new analytes, he noted these only if they were in the final rule stage. Some of the highlights are:

- Cross Media Electronic Reporting and Recording Keeping Rule
- Clean Air Act Methods
- RCRA Appendix VIII Streamlining Rule
- Land Disposal Restriction Rule
- Clean Water Act Test Procedures
- Clean Water Act Effluent Guidelines

Mr. Coats will also send this information to anyone who contacts him, requesting such. He is open to suggestions regarding a better way to do this survey, and perhaps increase frequency.

OPEN DISCUSSION

Carl Kircher asked whether the EPA, which had attempted a direct final rule to update their tables of promulgated approved test methods for the Safe Drinking Water Act and Clean Water Act six months ago, and had to withdraw the direct final rule, is attempting to do this again. Mr. Coats responded that he has seen nothing to this effect. Mr. Kircher then updated the Committee to the fact that the Department of Environmental Protection of the State of Florida is proposing to eliminate the comprehensive quality assurance plan requirement and replace it with a requirement that the laboratories turning in data be certified by the Florida Department of Health, which is a NELAP recognized Accrediting Authority.

In response to the question of where this Committee would end up as a result of the proposed restructuring of NELAC, Mr. Coats said that it is yet unknown. Mr. Coats suggested this

Committee's focus should be on implementation and consistency issues.

Jackie Sample brought up an issue of states wanting to set water quality criteria for the brackish water, but are often finding water quality criteria are not achievable by current technology. She asked the audience if there is any unified approach as to what can be done analytically and how to report it. Mr. Coats responded that this Committee not only can transfer information on legislation and rules being created by EPA to NELAC, but also comment as a NELAC representative on the rule making stage, suggesting to EPA that as these levels are not achievable by any technology, the levels be reconsidered. New Jersey is attempting to put in tables of quantitation levels into laboratory certification regulations. Numbers used for clean water and for dirty water are based on the ability to detect something, but they will be the quantitation levels the labs are expected to meet. Data coming from the laboratories will be used in an ongoing effort to update those numbers. It is expected that this data will be published by next spring.

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned.

**ACTION ITEMS
REGULATORY COORDINATION COMMITTEE MEETING
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Item No.	Action	Date to be Completed
1.	Regulatory Survey	NELAC 8
2.	Ascertain need for revision to existing model rule or for additional model rules	Before NELAC 8
3.	Coordinate with other NELAC committee chairs for assignment of tasks	ASAP
4.	Discuss Regulatory Committee role as commenting on proposed EPA rules for NELAC with NELAC Board of Directors	Before NELAC 8

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REGULATORY COORDINATION COMMITTEE MEETING
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